

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

No. 18-CR-03989 WJ

vs.

ALLISTER QUINTANA,

Defendant.

**DEFENDANT'S MOTION FOR WITHDRAWAL OF COUNSEL, FOR APPOINTMENT
OF NEW COUNSEL, AND FOR EXTENSION TO FILE NOTICE OF APPEAL**

Defendant Allister Quintana, through his attorney, Ray Twohig, moves the Court to allow Mr. Twohig to withdraw as counsel in this case, to appoint counsel to further represent Defendant in this case and on appeal, and to extend the deadline for filing a notice of appeal. The grounds for this motion follow:

1. Undersigned counsel is retiring, and has withdrawn from other cases. In addition, his fee agreement as retained counsel in this case does not include representation on appeal. He seeks to withdraw at this time in order to allow successor counsel to advise Mr. Quintana concerning his right to appeal in light of the waiver of appeal in the plea agreement as well as the subsequent interjection of issues in the sentencing proceeding which may justify setting aside the waiver.
2. Defendant Quintana is indigent, and the Court has so found in addressing appointment of experts (Doc 98) at 2. He continues to be indigent. He is eligible for

appointment of counsel on appeal, and for the remainder of the case in the District Court.

3. Rule 4(b)(1)(A) establishes the deadline for filing a notice of appeal at fourteen (14) days from the later of “the entry of the judgment or the order being appealed.” The judgment in this case has not yet been entered.
4. Rule 4(b)(4) allows an extension of that deadline for a period of 30 days from the time otherwise prescribed by this Rule 4(b).

Argument

It is appropriate for counsel to withdraw since he is in the process of retiring and has ended his involvement in all but a couple of other cases. His fee agreement in this case specifically provides that the representation does not include appeals. It is more orderly for successor counsel to be appointed promptly to provide advice to the Defendant on his right to appeal and the basis for an appeal under the current circumstances of this matter, which this Court partially addressed when advising Mr. Quintana of his right to appeal at the time of his sentencing on September 17, 2021.

Assistant United States Attorney Joseph Spindle does not oppose this motion.

Respectfully submitted,

/s/ Ray Twohig

Ray Twohig
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